

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTFLASH LLC, *et al.*,

Plaintiffs,

v.

APPLE, INC., *et al.*,

Defendants.

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CASE NO. 6:13-CV-447-JRG-KNM

ORDER

On January 27, 2015, the Court ordered the parties to submit briefing on privilege issues related to third-party witnesses that Apple intended to call to testify at trial. Having reviewed the submitted briefing (Doc Nos. 442 & 448) and based on Apple's representations, the Court does not need to determine whether privilege exists. Apple states that it "does not intend to interpose a privilege objection to any of the lines of inquiry Smartflash proposes, and Apple is willing to produce the few documents currently withheld." This includes email correspondence with Mr. Steven Ansell and Mr. Jeffery Lotspiech and their deposition testimony previously withheld by Apple under work-product privilege assertions. These witnesses will be allowed to testify in accordance with the Court's previous rulings. Plaintiffs can cross-examine the witnesses on all issues identified in Plaintiffs' Notice of Compliance with the Court's January 27, 2015 Order (Doc. No. 442).

So ORDERED and SIGNED this 3rd day of February, 2015.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE